

Application No. 10/570,774
Amendment dated August 13, 2009
Reply to Office Action of May 15, 2009

Docket No.: 66968-0013

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to the sole Figure to incorporate omitted reference numeral “43” and to remove the legend “FIG. 1.”

Attachment: Replacement sheet

REMARKS

The Applicants have carefully reviewed the Office Action mailed May 15, 2009 and thanks Examiner Lorence for his indication of allowable subject matter and for the detailed review of the pending claims. In response to the Office action, Applicants have amended claims 13 and 16, cancelled claims 11-12, 14-15, and 17-19, without prejudice or disclaimer. New claims 24-36 have been added. However, no new matter has been added. Accordingly, claims 13, 16 and 20-26 remain pending in this application. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

Information Disclosure Statement

The Examiner has indicated that U.S. patent publication 2003/019707 A1 cited in the International Search report was considered, but will not be listed on any patent resulting from this application because it was not provided on a separate list in compliance with 37 CFR 1.98(a)(1). Applicants did list Patent No. 6,585,094 which is the issued patent for the publication 2003/019707 A1 on a PTO/SB08 Citations form filed on March 3, 2006, which was also considered by the Examiner in this matter.

The Examiner also indicated that the foreign references EP 0466863 A and EP 1288519 A were not considered by the Examiner as they were not listed on a separate paper (PTO/SB08)

form submitted with the Patent Office. Applicants did submit the two U.S. issued patents that correspond to each of those foreign references (U.S. Patent No.s 5,423,235 and 6,622,838, respectively) on a PTO/SB08 Citations form filed on March 3, 2006, which were also considered by the Examiner.

Drawings

The drawing Figure was objected to because it failed to include the reference numeral “43.” Applicant has provided a replacement sheet that includes element “43.” Withdrawal of the objection is therefore requested.

The drawing Figure was also objected to for including a legend of “FIG. 1” as there is only a single drawing. The replacement sheet referred to above has removed FIG. 1 from the drawing.

Specification

The Examiner objected to the specification stating that “the numbering of the pages is such that the description precedes the claims.” To address this issue, Applicant has submitted a marked-up copy of the substitute specification filed March 3, 2006. As is evident from the amendments reflected in the marked-up specification, no new matter has been added. Withdrawal of the objection is therefore requested.

Claim Rejections – 35 U.S.C. § 102

Claims 11 and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Madsack (US 5,556,350 A). Applicants respectfully traverse the rejection.

Claim 11 has been canceled and re-written as new independent claim 24, including the limitations of previously pending claim 12 (which has also been canceled). Thus, as claim 12 was previously indicated as being allowable if re-written in independent form and including the limitations from previously pending claim 12, new claim 24 is believed to be allowable over Madsack.

Claim 16 has been amended to depend from new claim 24. Thus, it is believed that claim 16 is also in condition for allowance.

Allowable Subject Matter

Claims 12-15 and 17-23 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As stated above, claim 12 was re-written in independent form as new claim 24, as suggested by the Examiner. Claim 14 was also re-written in independent form as new claim 25. And Claim 17 was also re-written in independent form as new claim 31.

Claims 13, 16, and 20-23 depend, either directly or indirectly from new claim 24. New claims 26-30 (which correspond to previously presented claims 16, and 20-23) depend, either directly or indirectly from new claim 25. New claims 32-36 (which correspond to previously presented claims 16 and 20-23) depend, either directly or indirectly from new claim 31. Thus, it is believed that all pending claims are now in condition for allowance.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66968-0013 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

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Attachments

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REPLACEMENT SHEETS

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